

NUREG/BR-0025



## INFORMATION REPORT ON

# State Legislation

OFFICE OF STATE PROGRAMS  
U. S. NUCLEAR REGULATORY COMMISSION

Vol. 8 No. 4

April 1982

Pennsylvania SR-225 serves as an interesting tool for educating legislators on the provisions of the Low-Level Radioactive Waste Policy Act of 1980 (LLRWPA), which authorizes States to form regional compacts for the purpose of selecting and maintaining low-level waste disposal sites. The Act authorizes compacts to exclude low-level radioactive waste generated in non-member States after January 1, 1986.

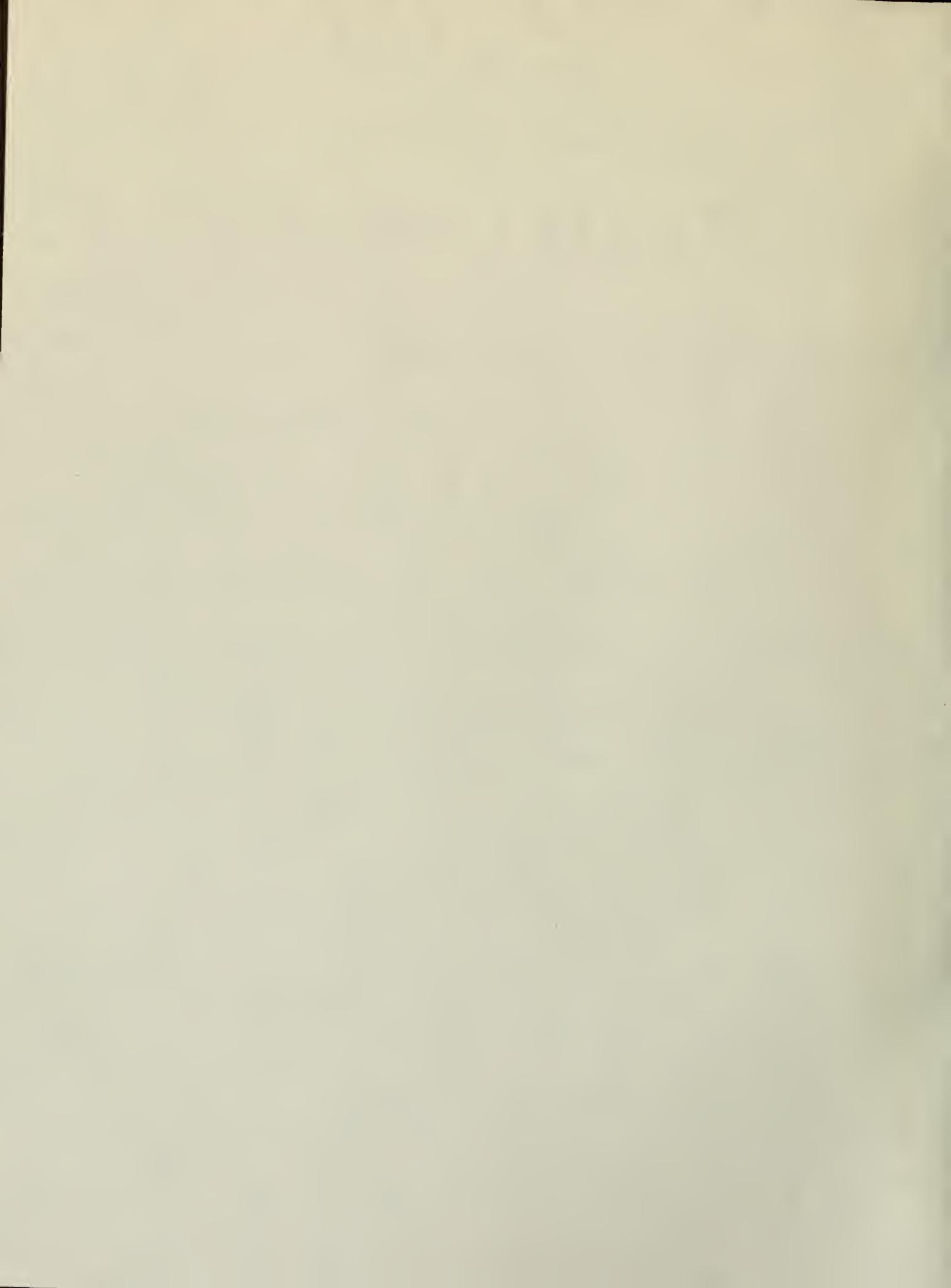
States introducing Compact legislation in this issue are: Colorado, Georgia, Hawaii, Kansas and Virginia.

The U.S. General Accounting Office has begun its investigation into State/Federal low-level waste management activities. The report will focus on the progress of the States' compact activities and the Department of Energy's waste management programs. The request for the inquiry was made last November by U.S. Representative Barney Frank of Massachusetts. The inquiry will focus on problems the States may be facing in meeting requirements of the Act, and will address the question of who should develop contingency plans. The GAO team will be visiting DOE, several States, and industry.

In addition, Senator James McClure, Chairman of the Senate Committee on Energy and Natural Resources, has requested DOE to prepare a status report on the implementation of the LLRWPA. The report will address the progress of each Compact, and will include copies of each of the draft Compacts available along with comments made on the Compacts by any federal agencies. The NRC has been asked to provide input to the report.

*G. Wayne Kerr*  
G. Wayne Kerr, Director  
Office of State Programs

Prepared by Mindy S. Landau, OSP  
(301) 492-9880



Low-Level Waste Management

Florida S-985, H-978\*  
Indiana H-115?  
Kansas H-2810 \*  
New Hampshire H-26

Health Department

Alabama S-70

Emergency Preparedness

Arizona H-2357  
Delaware S-427  
Massachusetts H-2399  
Pennsylvania H-2216  
Virginia H-18

Low-Level Waste Compacts

Colorado H-1246  
Georgia H-1391  
Hawaii H-2165, S-2204  
Kansas H-2809  
Kansas H-2810\*  
Virginia S-371  
Washington SJM-124

Public Utilities

Connecticut H-5028  
Kansas H-2704  
Massachusetts H-1927  
Massachusetts H-2789  
Washington SJM-119

Energy Offices

Florida S-741  
Minnesota H-1715  
Washington S-4844

Transportation

Florida S-751  
Kansas H-2716\*  
Massachusetts H-2316  
Mississippi H-929\*  
New Jersey A-218

Radioactive Waste, Handling and Financial Management

Florida S-985, H-978\*  
Kansas H-2716\*  
Ohio S-433  
Washington SCR-140

High Level Waste Management

Maine LD-1911  
Mississippi H-362  
Mississippi H-929\*  
Mississippi S-2751  
Ohio SJR-41

Power Plant Siting

Minnesota H-451  
Tennessee S-1522

Power Plants

New Hampshire H-36  
Tennessee HJR-316  
West Virginia H-1502

Uranium Mining and Milling

New Mexico S-75, H-135  
Virginia S-179

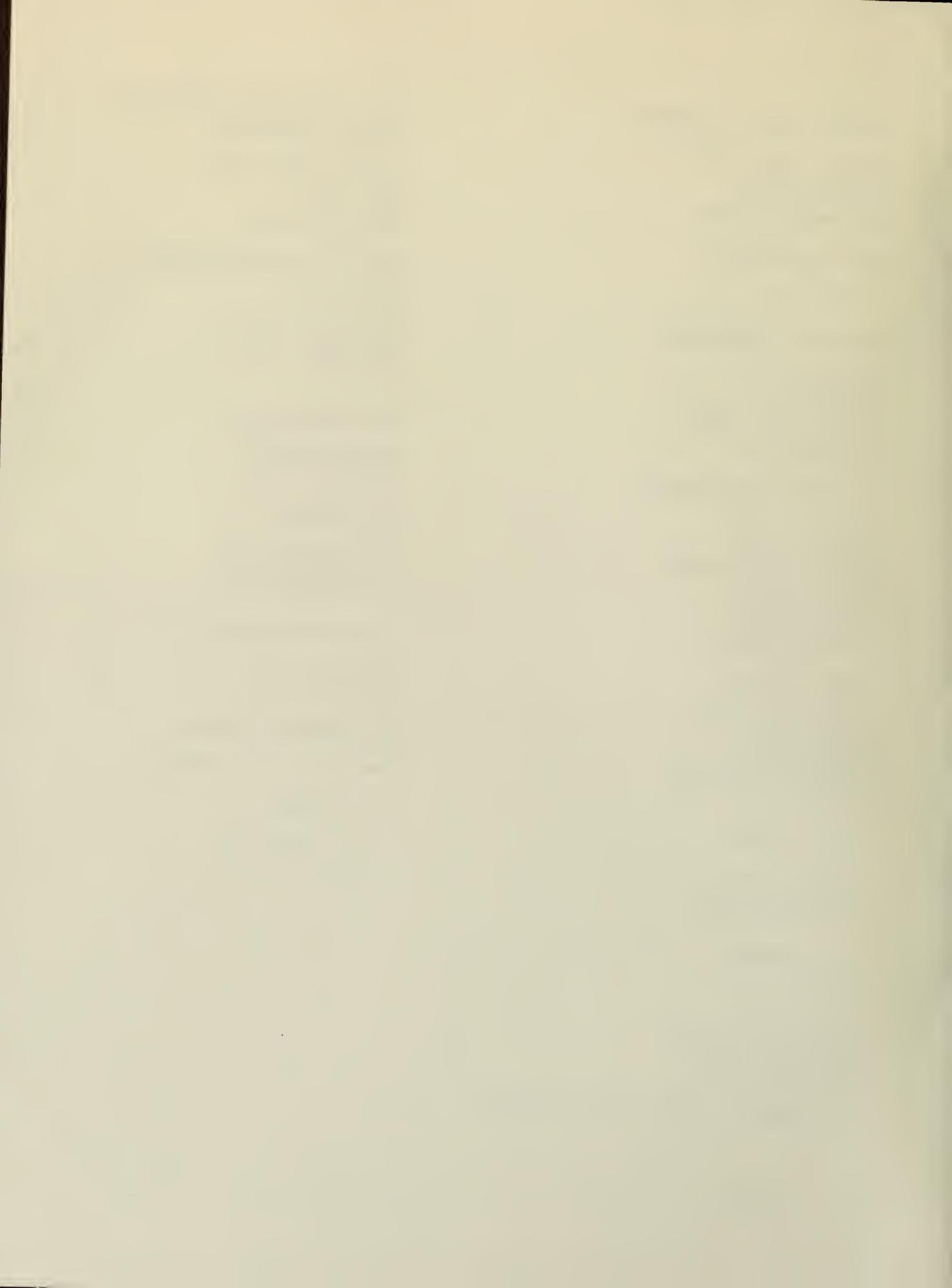
Environmental Controls

New York A-9726, S-7890

Miscellaneous

Mississippi H-327  
Tennessee HJR-300

\*Bill appears in more than one category



## ENACTED LEGISLATION

### INDIANA

Low-Level Nuclear Waste Commission H-1152. Creates the Low-Level Nuclear Waste Management Study Commission with the following duties:

- 1) Examining the technological and policy issues of low-level waste;
- 2) Examining the impact of the Federal Low-Level Radioactive Waste Policy Act of 1980 on the State;
- 3) Including in its study the advisability of the State entering into a multistate compact;
- 4) Preparing a low-level nuclear waste management legislative program; Details membership requirements, appropriations, and reporting procedures. (Enacted 2/8/82.)

## INTRODUCED LEGISLATION

### ALABAMA

Board of Health Services S-70. Creates a Board of Health Services Personnel to serve as the legal entity to recognize and identify certain health services occupations such as nuclear medical technologists, radiation therapy technologists and radiographers. (Introduced 1/12/82.)

### ARIZONA

Emergency Management H-2357. Makes appropriations to the Nuclear Emergency Management Fund, and makes a nuclear emergency management assessment against consortiums of public service and municipal corporations engaged in constructing Palo Verde Nuclear Generating Station. (Introduced 2/3/82.)

### COLORADO

Rocky Mountain Low-Level Radioactive Waste Compact H-1246. Establishes the means for a cooperative effort in managing low-level waste, insures economic management of low-level waste facilities, encourages reduction in volume of such waste, and distributes the costs, benefits and obligations of low-level waste management equitably among party States. Eligible States to this Compact are: Arizona, Colorado, Nevada, New Mexico and Wyoming. (Introduced 2/9/82.)

CONNECTICUT

Capital Expenditure by Electric Companies H-5028. Requires the Department of Public Utility Control to review electric company plans for the construction or conversion of electrical generating facilities and exclude the costs of any such project from the company's rate base if it is less cost-effective than other methods of generating or conserving electricity. (Introduced 2/3/82.)

DELAWARE

Radiological Emergency Plan S-427. Requires the Department of Public Safety to develop and maintain a Radiological Emergency Plan to comply with all protective and remedial measures on behalf of all residents with respect to a radiological accident. Authorizes contracts to be entered into and funds accepted from public or private sources in order to defray expenses associated with the plan. (Introduced 1/27/82.)

FLORIDA

Division of Energy Conservation S-741. Creates the Division of Energy Conservation whose duties are to collect data on the production, exploration, transportation, storage, etc. of energy resources in the State. The Division will be responsible for all educational projects designed to increase public awareness of the need for efficient utilization of electricity. (Introduced 1/28/82.)

Transportation Requirements S-751. Details placarding requirements for the transportation of radioactive waste, and empowers the Department of Transportation to adopt regulations promulgated by other State agencies. (Introduced 1/28/82.)

Radioactive Waste S-985, H-978. Authorizes the Department of Health and Rehabilitative Services to develop policies to mitigate hazards associated with use & disposal of ionizing radiation. The Department will also encourage and participate in studies relating to the control of ionizing radiation and its effect on public health and safety. The Department will promulgate rules relating to manufacture & treatment of low-level waste and encourage the reduction in production of such waste. (Introduced 2/3/82.)

GEORGIA

Southeast Interstate Low-Level Radioactive Waste Management Compact H-1391. Would create the above Compact for the management of low-level waste on a regional basis. The Compact would limit the number of facilities needed to manage the waste, encourage reduction in generation of waste, distribute the costs, benefits and obligations of waste management equitably among the party States, and ensure the ecological management of low-level waste. Eligible States to the Compact are: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee. (Introduced 1/22/82.)

HAWAII

Northwest Interstate Compact on Low-Level Radioactive Waste Management H-2165, S-2204. Would adopt the Compact which would provide eligible States with cooperation in maintaining the economical management of low-level waste. Eligible States to the Compact are: Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington and Wyoming. (Introduced 1/28/82.)

KANSAS

Electric Utilities H-2704. Prohibits any electric utility from passing charges incurred by returning an inoperable plant back to service, onto any customer. (Introduced 1/20/82.)

Hazardous Waste Management H-2716. Enables the State to develop a statewide hazardous waste management plan which would develop research projects, policies and regulations to provide for the safe handling of hazardous (including radioactive) waste in the State. Establishes procedures for adoption of regulations regarding transportation. (Introduced 2/2/82.)

Central Interstate Low-Level Radioactive Waste Compact H-2809. Would enable Kansas to join the Compact, providing a cooperative framework for the management of low-level waste. Eligible States to the Compact are: Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota and Oklahoma. (Introduced 2/2/82.)

Low-Level Waste Board H-2810. Establishes the Advisory Board on Low-Level Radioactive Waste to consult with and advise the State's representative in the Central Interstate Low-Level Waste Compact regarding technical and policy matters. The State's representative will be the Secretary of the Department of Health and Environment. (The State has not yet entered into the Compact). (Introduced 2/2/82.)

MAINE

Storage of Spent Fuel LD-1911. Prohibits the onsite storage of spent fuel pools or other storage facilities after July 1, 1992, for a period exceeding three years from the date of the fuel's removal from the generating facility. (Introduced 2/2/82.)

MASSACHUSETTS

Public Utilities H-1927. Prohibits the Department of Public Utilities from granting rate increases to customers until they are mandated by the Attorney General and/or the courts. This bill results from increased charges claimed as necessary by the Pilgrim 2 nuclear power plant. (Introduced 1/6/82.)

Transportation of Waste H-2316. Prohibits the transportation of any radioactive material through any city or town if the legislative body of the town has restricted such action. (Introduced 1/6/82.)

Emergency Preparedness H-2399. Levies charges against operators of nuclear power plants within the State for the support of emergency preparedness and response plans. (Introduced 1/6/82.)

Public Utilities H-2789. Prohibits the Department of Public Utilities from allowing utility companies to charge their customers for certain costs relating to the development of unlicensed and cancelled nuclear power plants. (Introduced 1/6/82.)

MINNESOTA

Construction H-451. No large energy facility will be constructed unless the applicant has justified its need. Such assessments for need will include surplus capacity projections, reserve margins, long range energy demands, etc. (Introduced 2/19/81.)

Energy Information Center H-1715. Establishes an energy information center in St. Paul. It will maintain a toll-free information service and disseminate printed materials on energy conservation topics, projected prices and availability of different sources of energy and potential hazards of energy conservation techniques. (Introduced 1/28/82.)

MISSISSIPPI

Insurance Exemptions H-327. Prohibits nuclear exemption exclusions in any homeowner's or farmowner's insurance policy issued. (Introduced 1/6/82.)

High-Level Waste Storage H-362. Prohibits the disposal or storage of high-level radioactive wastes in salt domes or other geologic structures in the State. Prohibits tests to determine suitability of salt domes for such disposal or storage. Prevents any port in the State from being used for entry of high-level waste. Requires the State to be notified of any agreements for the purchase of salt domes. (Introduced 1/7/82.)

MISSISSIPPI Cont'd

High-Level Waste Storage H-929. Creates a Nuclear Waste Policy Advisory Council and a Nuclear Waste Siting Review and Technical Advisory Committee to assist and advise the Energy & Transportation Board in developing, coordinating and reviewing all nuclear-related activities in the State. The committees will regulate transportation of all high-level waste within the State. (Introduced 1/21/82.)

High-Level Waste Activities S-2751. Creates a Nuclear Waste Control Council and a Nuclear Waste Technical Review Committee within the Mississippi Energy and Transportation Board. The Board will be the agency responsible for any matter related to the long-term or temporary storage of high-level radioactive or transuranic waste. Establishes permit procedures and reviews for State approval of siting or storage of high-level waste. (Introduced 1/20/82.)

NEW HAMPSHIRE

Task Force on Low-Level Waste H-26. Establishes a task force on low-level radioactive waste management. The task force is designated as the point of contact in the State for all matters relating to low-level waste. Any proposals dealing with plans for an interstate compact or low-level waste management must be ratified by both houses of the legislature. Details members, expenses and report requirements. (Introduced 1/8/82.)

Seabrook Power Plant H-36. Requires the Public Utilities Commission to have an independent risk analysis study conducted for the Seabrook nuclear power plant. It states the opposition of the general court to the issuance of any operating license for the Seabrook plant until the risk analysis study is completed. (Introduced 1/27/82.)

NEW JERSEY

Transportation A-218. Prohibits the transportation or temporary storage of various types of radioactive materials in any county with a population exceeding 1000 people per square mile. (Introduced 2/1/82.)

NEW MEXICO

Taxation S-75, H-135. Changes the method of valuation of uranium mineral property for property taxation purposes. (Introduced 1/27/82.)

NEW YORK

Air Pollution Control A-9726, S-7890. All major steam electric generating facilities constructed by the Power Authority in a city with a population of one million or more shall be constructed & operated in compliance with the air pollution control code of such city, including those provisions restricting the emissions of air contaminants. (Introduced 2/4/82.)

OHIO

Waste Disposal S-433. Prohibits anyone from entering into any agreement which would permit the establishment of any radioactive waste disposal site within the State. (Introduced 1/26/82.)

PENNSYLVANIA

Emergency Response H-2216. Establishes fees to be paid by nuclear plant owners to cover the cost of emergency plans dealing with the possibility of nuclear accidents. Establishes a Radiation Emergency Response Program consisting of an assessment of potential nuclear accidents, their radiological consequences and the necessary protective actions required to mitigate their effects. (Introduced 2/2/82.)

TENNESSEE

Construction S-1522. Relates to powers of a municipality to construct, own, operate, maintain, acquire or lease an energy production facility. Clarifies procedures for the issuance of bonds for financing an energy production facility. (Introduced 1/20/82.)

VIRGINIA

Emergency Preparedness Fees H-18. Designates fees to be paid to State offices by owners of nuclear power plants. Such fees will be placed into a "Radiological Emergency Preparedness Fund," to be used in maintaining emergency plans which deal with nuclear accidents. (Introduced 1/13/82.)

Uranium Mining S-179. Requires a permit to be obtained before uranium mining may commence. Applications for a permit for such mining must be accompanied by a \$250 fee. (Introduced 1/25/82.)

VIRGINIA Cont'd

Mid-Atlantic Low-Level Radioactive Waste Interstate Compact S-371.

Would enter the State into a regional compact to handle the management of low-level waste. The Compact will provide for:

- 1) Sufficient facilities for the management of low-level waste;
- 2) Health and safety of the region;
- 3) Limitations on the number of facilities required for low-level waste;
- 4) Reduction in the amount of waste generated in the region;
- 5) Distribution of the costs, benefits & obligations of successful waste management among the party States;
- 6) Ecological & economical management of low-level waste.

The appropriate federal agencies would actively assist the Compact Commission in the form of enforcement, inspection & technical guidance. (Introduced 2/1/82.)

WASHINGTON

Energy Commission S-4844. Creates the Energy Conservation and Development Commission with duties to include:

- 1) Assessing & analyzing trends in the consumption of all forms of energy and the environmental and economic consequences of these trends;
- 2) Collecting future forecasts of supplies and consumption of all forms of energy;
- 3) Researching & developing other forms of energy; and
- 4) Serving as central depository in the State for the collection & dissemination of all forms of energy, supply, demand, conservation, research and related subjects.

The Commission would study financial arrangements of joint operating agencies to determine if their actions are consistent with applicable research determinations. (Introduced 2/2/82.)

WEST VIRGINIA

Electric Generating Power Plants H-1502. Would prohibit the construction or operation of electric generating power plants in the State which use a power source other than coal. (Introduced 1/28/82.)

INTRODUCED RESOLUTIONS

OHIO

High-Level Waste SJR-41. Expresses to the President and the Department of Energy the vigorous objections of the people of the State to the location of any test site or future repository for the terminal storage of high-level radioactive waste. (Introduced 1/26/82.)

PENNSYLVANIA

Low-Level Waste Compact SR-225. Gives a brief summary of major directives covered in the Low-Level Radioactive Waste Policy Act of 1980. Urges the Governor to negotiate a regional low-level waste compact with sister States to provide facilities for the disposal of low-level radioactive waste. Also urges the Legislature to immediately address the problems associated with high-level & low-level waste disposal. (Introduced 2/9/82.)

TENNESSEE

Power Load Forecast HJR-300. Requests the Tennessee Congressional Delegation to conduct an independent study of TVA's power load forecast and to ask the TVA Board to delay any decisions on the "Option Report" until the study is complete. TVA's "Option Report" pertains to the Authority's load, growth and plant construction schedule. (Introduced 1/20/82.)

Tennessee Valley Authority HJR-316. Requests TVA to continue construction on their proposed nuclear reactors at Hartsville, Tennessee and Yellow Creek, Mississippi. (Introduced 2/3/82.)

WASHINGTON

Support for Initiative 394 SJM-119. Requests Congress to instruct the Bonneville Power Administration not to assist in payment of the costs of or to intervene in the lawsuit against Initiative 394. Initiative 394 requires any public agency building, buying or adding to a major public energy project to obtain prior approval of a majority of voters affected before issuing bonds. (Introduced 1/29/82.)

Low-Level Waste Compact SJM-124. Urges Congress to consent to the Northwest Interstate Compact on Low-Level Waste (already adopted by Idaho, Oregon, Utah and Washington) in time to permit its effective date of July 1, 1983. (Introduced 2/2/82.)

WASHINGTON Cont'd

Committee on Radioactive Waste SCR-140. Requests that a Joint Select Committee on Radioactive Waste be established to respond to Federal proposals, to evaluate alternatives available to the State in the establishment of a national system of radioactive waste repositories, and to consider other matters related to the management of high and low-level radioactive waste. (Introduced 2/2/82.)

UNIVERSITY OF FLORIDA



3 1262 08332 324 5